


By 

H. B. No. 3236

Substitute the following for B. No. _____:

By _____

C.S. B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the management of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1.01, 1.03, 1.07, 1.09, 1.10, 1.25, 1.31-1.33, and 3.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

Sec. 1.01. FINDINGS AND DECLARATION OF POLICY. The legislature finds that the Edwards Aquifer is a unique and complex hydrological system, with diverse economic and social interests dependent on the aquifer for water supply. In keeping with that finding, the Edwards Aquifer is declared to be a distinctive natural resource in this state, a unique aquifer, and not an underground stream. To sustain these diverse interests and that natural resource, regional management by the Edwards Underground Water District, the Uvalde County Underground Water Conservation District, and the Medina County Underground Water Conservation District, operating cooperatively, [~~a-special--regional--management district~~] is required for the effective control of the resource to protect terrestrial and aquatic life, domestic and municipal water supplies, the operation of existing industries, and the economic development of the state. Use of water from the Edwards and associated limestone formations in the districts [~~in-the-district~~] for beneficial purposes requires that all reasonable measures be taken to be conservative in water use.

1 Sec. 1.03. DEFINITIONS. In this article:

2 (1) "Aquifer" means the Edwards Aquifer, which is that
3 portion of an arcuate belt of porous, water-bearing, predominately
4 carbonate rocks known as the Edwards and Associated Limestones in
5 the Balcones Fault Zone extending from west to east to northeast
6 from the hydrologic division near Brackettville in Kinney County
7 that separates underground flow toward the Comal Springs and San
8 Marcos Springs from underground flow to the Rio Grande Basin,
9 through Uvalde, Medina, Atascosa, Bexar, Guadalupe, and Comal
10 counties, and in Hays County south of the hydrologic division near
11 Kyle that separates flow toward the San Marcos River from flow to
12 the Colorado River Basin.

13 (2) "Augmentation" means an act or process to increase
14 the amount of water available for use or springflow.

15 (3) [~~"Authority"~~ means the Edwards Aquifer Authority.

16 [4] "Beneficial use" means the use of the amount of
17 water that is economically necessary for a purpose authorized by
18 law, when reasonable intelligence and reasonable diligence are used
19 in applying the water to that purpose.

20 (4) "Boards" [5]--"~~Board~~" means the boards [board]
21 of directors of the Edwards Underground Water District, the Uvalde
22 County Underground Water Conservation District, and the Medina
23 County Underground Water Conservation District [authority].

24 (5) [6] "Commission" means the Texas Natural
25 Resource Conservation Commission.

26 (6) [7] "Conservation" means any measure that would
27 sustain or enhance water supply.

1 (7) "Districts" means the Edwards Underground Water
2 District, the Uvalde County Underground Water Conservation
3 District, and the Medina County Underground Water Conservation
4 District.

5 (8) "Diversion" means the removal of state water from
6 a watercourse or impoundment.

7 (9) "Domestic or livestock use" means use of water
8 for:

9 (A) drinking, washing, or culinary purposes;

10 (B) irrigation of a family garden or orchard the
11 produce of which is for household consumption only; or

12 (C) watering of animals.

13 (10) [~~"Existing-user" means a person who has withdrawn~~
14 ~~and beneficially used underground water from the aquifer on or~~
15 ~~before June 17, 1993.~~

16 [~~{11} "Industrial use" means the use of water for or~~
17 ~~in connection with commercial or industrial activities, including~~
18 ~~manufacturing, bottling, brewing, food processing, scientific~~
19 ~~research and technology, recycling, production of concrete,~~
20 ~~asphalt, and cement, commercial uses of water for tourism,~~
21 ~~entertainment, and hotel or motel lodging, generation of power~~
22 ~~other than hydroelectric, and other business activities.~~

23 [~~{12} "Irrigation use" means the use of water for the~~
24 ~~irrigation of pastures and commercial crops, including orchards.~~

25 [~~{13} "Livestock" means animals, beasts, or poultry~~
26 ~~collected or raised for pleasure, recreational use, or commercial~~
27 ~~use.~~

1 [(14) -- "Municipal use" means the use of water within or
2 outside of a municipality and its environs whether supplied by a
3 person, privately owned utility, political subdivision, or other
4 entity, including the use of treated effluent for certain purposes
5 specified as follows. The term includes:

6 [(A) -- the use of water for domestic use, the
7 watering of lawns and family gardens, fighting fires, sprinkling
8 streets, flushing sewers and drains, water parks and parkways, and
9 recreation, including public and private swimming pools;

10 [(B) -- the use of water in industrial and
11 commercial enterprises supplied by a municipal distribution system
12 without special construction to meet its demands; and

13 [(C) -- the application of treated effluent on land
14 under a permit issued under Chapter 26, Water Code, if:

15 [(i) -- the primary purpose of the
16 application is the treatment or necessary disposal of the effluent;

17 [(ii) -- the application site is a park,
18 parkway, golf course, or other landscaped area within the
19 authority's boundaries; or

20 [(iii) -- the effluent applied to the site is
21 generated within an area for which the commission has adopted a
22 rule that prohibits the discharge of the effluent.

23 [(15) -- "Order" means any written directive carrying out
24 the powers and duties of the authority under this article.

25 [(16)] "Person" means an individual, corporation,
26 organization, government or governmental subdivision or agency,
27 business trust, estate, trust, partnership, association, and any

1 other legal entity.

2 (11) [~~17~~] "Pollution" means the alteration of the
3 physical, thermal, chemical, or biological quality of any water in
4 the state, or the contamination of any water in the state, that
5 renders the water harmful, detrimental, or injurious to humans,
6 animal life, vegetation, property, or public health, safety, or
7 welfare or that impairs the usefulness of the public enjoyment of
8 the water for any lawful or reasonable purpose.

9 (12) [~~18~~] "Recharge" means increasing the supply of
10 water to the aquifer by naturally occurring channels or artificial
11 means.

12 (13) [~~19~~] "Reuse" means authorized use for one or
13 more beneficial purposes of use of water that remains unconsumed
14 after the water is used for the original purpose of use and before
15 the water is discharged or otherwise allowed to flow into a
16 watercourse, lake, or other body of state-owned water.

17 (14) [~~20~~] "Underground water" has the meaning
18 assigned by Section 52.001, Water Code.

19 (15) [~~21~~] "Waste" means:

20 (A) withdrawal of underground water from the
21 aquifer at a rate and in an amount that causes or threatens to
22 cause intrusion into the reservoir of water unsuitable for
23 agricultural, gardening, domestic, or stock raising purposes;

24 (B) the flowing or producing of wells from the
25 aquifer if the water produced is not used for a beneficial purpose;

26 (C) escape of underground water from the aquifer
27 to any other reservoir that does not contain underground water;

1 (D) pollution or harmful alteration of
2 underground water in the aquifer by salt water or other deleterious
3 matter admitted from another stratum or from the surface of the
4 ground;

5 (E) wilfully or negligently causing, suffering,
6 or permitting underground water from the aquifer to escape into any
7 river, creek, natural watercourse, depression, lake, reservoir,
8 drain, sewer, street, highway, road, or road ditch, or onto any
9 land other than that of the owner of the well unless such discharge
10 is authorized by permit, rule, or order issued by the commission
11 under Chapter 26, Water Code;

12 (F) underground water pumped from the aquifer
13 for irrigation that escapes as irrigation tailwater onto land other
14 than that of the owner of the well unless permission has been
15 granted by the occupant of the land receiving the discharge; [or]

16 (G) for water produced from an artesian well,
17 "waste" has the meaning assigned by Section 11.205, Water Code; or

18 (H) the use of underground water from the
19 aquifer for an aquacultural operation without recirculation and
20 reuse of the water.

21 (16) [~~122~~] "Well" means a bored, drilled, or driven
22 shaft or an artificial opening in the ground made by digging,
23 jetting, or some other method where the depth of the shaft or
24 opening is greater than its largest surface dimension, but does not
25 include a surface pit, surface excavation, or natural depression.

26 (17) [~~123~~] ~~--"Well---5-17"---means---state---well---number~~
27 ~~AY-68-37-203-located-in-Bexar-County-~~

1 [†24†]--"Well-8-27"--means-state-well-number-YP-69-50-302
2 located-in-Bvalde-County-

3 [†25†] "Withdrawal" means an act or a failure to act
4 that results in taking water from the aquifer by or through
5 man-made facilities, including pumping, withdrawing, or diverting
6 underground water.

7 Sec. 1.07. OWNERSHIP OF UNDERGROUND WATER. The ownership
8 and rights of the owner of the land and the owner's lessees and
9 assigns, including holders of recorded liens or other security
10 interests in the land, in underground water and the contract rights
11 of any person who purchases water for the provision of [potable]
12 water to the public or for the resale of [potable] water to the
13 public for any use are recognized. [However, action taken pursuant
14 to this Act may not be construed as depriving or divesting the
15 owner or the owner's lessees and assigns, including holders of
16 recorded liens or other security interests in the land, of these
17 ownership rights or as impairing the contract rights of any person
18 who purchases water for the provision of potable water to the
19 public or for the resale of potable water to the public for any
20 use, subject to the rules adopted by the authority or a district
21 exercising the powers provided by Chapter 52, Water Code.] The
22 legislature intends that just compensation be paid if
23 implementation of this article causes a taking of private property,
24 documentable secondary economic impact, or the impairment of a
25 contract in contravention of the Texas or federal constitution.

26 Sec. 1.09. LIAISON COMMITTEE [BOARD---OF---DIRECTORS].

27 (a) [The authority is governed by a board of nine directors-

1 [+b+] The liaison committee [board] consists of:

2 (1) two members appointed by the [a--member--appointed
3 by-the-South-Central-Texas-Water-Advisory-Committee-created-by-this
4 Act;

5 [+2]--three--residents--of] Bexar County delegation of
6 the Edwards Underground Water District, from among the members of
7 the delegation;

8 (2) [7--with--two-residents-appointed-by-the-governing
9 body-of-the-city-of-San-Antonio-and-one-resident--appointed-by--the
10 Commissioners--Court--of--Bexar--County--to--represent--cities--and
11 communities-in-the-county-other-than-the-city-of-San-Antonio;

12 [+3+] one member [resident-of-Comal-County-or-the-city
13 of--New--Braunfels] appointed by the [Commissioners-Court-of] Comal
14 County delegation of the Edwards Underground Water District, from
15 among the members of the delegation;

16 (3) [+4+] one member [resident---of--Hays--County]
17 appointed by the Hays County delegation of the Edwards Underground
18 Water District, from among the members of the delegation;

19 (4) [governing-body-of-the-city-of-San-Marcos;

20 [+5+] one member [resident-of-Medina-County] appointed
21 by the governing body of the Medina County Underground Water
22 Conservation District, from among the members of the governing
23 body; and

24 (5) [+6+] one member [resident--of--Uvalde--County]
25 appointed by the governing body of the Uvalde County Underground
26 Water Conservation District, from among the members of the
27 governing body.

1 (b) The liaison committee shall meet at least once each
2 calendar quarter or as needed to facilitate communication,
3 cooperation, and coordination of matters of policy under this
4 article or referred to the committee by one or more of the
5 districts.

6 (c) The members of the liaison committee may create working
7 groups of the liaison committee to consider technical issues or
8 other issues.

9 (d) The liaison committee shall coordinate water planning
10 efforts with other regional entities, including river authorities,
11 water districts, and water purveyors in the Edwards Aquifer region.

12 (e) The term of office of each member of the liaison
13 committee expires January 1 of each year. To serve as a member,
14 the member must maintain the qualifications for appointment. A
15 member may be recalled by a vote of the body that appointed the
16 member[7--and

17 [7)--one-person-appointed--in--rotation--who--is--from
18 Atascosa7-Medina7-or-Hvalde-counties7-with-that-person-appointed-by
19 the--governing-body-of-the-Evergreen-Underground-Water-District7-by
20 the-Medina-Underground--Water--Conservation--District7--or--by--the
21 Hvalde--County--Underground--Water--Conservation-District7-with-the
22 person--appointed--by--the--Evergreen--Underground--Water--District
23 -serving-the-first-term7-followed--by--a--person--appointed--by--the
24 Medina--Underground-Water-Conservation-District-to-serve-the-second
25 term7-followed--by--a--person---appointed--by--the--Hvalde--County
26 Underground--Water--Conservation--District-to-serve-the-third-term7
27 and-rotating-in-that-order-of-appointment-for-subsequent-terms.

1 [~~(c)~~---The---Commissioners---Court---of---Bexar---County---and---the
2 governing---body---of-the-city-of-San-Antonio-shall-make-appointments
3 under-Subsection-(b)-of-this-section-that---accurately---reflect---the
4 ethnic-composition-of-the-population-of-Bexar-County-

5 [~~(d)~~---The---initial---directors-of-the-board-shall-draw-lots-to
6 determine-their-terms;---Four-initial---directors---serve---terms---that
7 expire---June---17---1995;---Five---initial---directors-serve-terms-that
8 expire-June-17-1997;---Subsequent-directors-shall---be---appointed---to
9 serve---staggered---four-year---terms;---the-appropriate-number-of-which
10 expire-June-1-of-each-odd-numbered-year].

11 (f) [~~(e)~~] At the initial meeting of the liaison committee
12 and annually [board], the members shall select one member to serve
13 as presiding officer and another member to serve as presiding
14 officer in the presiding officer's absence. Those officers serve
15 terms that expire January 1 of each year[~~---The---presiding---officer~~
16 ~~serves---a---term---set-by-rule-of-the-board-not-to-exceed-four-years.~~
17 ~~An-act-of-the-board-is-not-valid-unless-adopted-by-the---affirmative~~
18 ~~vote-of-a-majority-of-the-members-of-the-board~~].

19 (g) [~~(f)~~] A liaison committee [board] member receives no
20 compensation for service on the committee [board] but is entitled
21 to reimbursement according to each district's reimbursement policy
22 [~~for-actual-and-necessary-expenses-incurred-in-the---performance---of~~
23 ~~the-member's-duties~~].

24 (h) [~~(g)~~] A liaison committee [board] member shall hold
25 office until a successor has been selected and approved and has
26 qualified by taking the oath of office.

27 (i) [~~(h)~~] If a vacancy on the liaison committee [board]

1 occurs, the governing body or delegation that appointed the
2 vacating member shall appoint another person having the same
3 qualifications required of the vacating member to serve the
4 unexpired portion of the vacating member's term.

5 Sec. 1.10. DOWNSTREAM [~~SOUTH--CENTRAL-TEXAS-WATER~~] ADVISORY
6 COMMITTEE. (a) The Downstream [~~South--Central---Texas---Water~~]
7 Advisory Committee shall advise the boards [board] on downstream
8 water rights and issues and make recommendations concerning
9 conservation activities, crisis management, the amount and cost of
10 water for importation from and exportation to the Guadalupe-Blanco
11 River basin. The advisory committee consists of:

12 (1) one member appointed by the board of directors of
13 the Uvalde County Underground Water Conservation District, from
14 among the members of the board;

15 (2) one member appointed by the board of directors of
16 the Medina County Underground Water Conservation District, from
17 among the members of the board;

18 (3) one member appointed in rotation by and from among
19 the members of the board of directors of the Uvalde County
20 Underground Water Conservation District or by and from among the
21 members of the board of directors of the Medina County Underground
22 Water Conservation District, with the member appointed by the
23 Uvalde County Underground Water Conservation District serving the
24 first and subsequent odd-numbered terms and the member appointed by
25 the Medina County Underground Water Conservation District serving
26 the second and subsequent even-numbered terms;

27 (4) five members appointed by the board of directors

1 of the Edwards Underground Water District from among the members of
2 the board as follows:

3 (A) three members from Bexar County;

4 (B) one member from Comal County; and

5 (C) one member from Hays County; and

6 (5) one member appointed by the governor with the
7 advice and consent of the senate who resides in one [governing-body
8 of-each] of the following counties [and-municipalities,-except-that
9 Atascosa--County--may--not--have--a--representative-on-the-advisory
10 committee-when-the--county--has--a--representative--member--on--the
11 board]:

12 (A) [†1] Atascosa;

13 (B) [†2] Caldwell;

14 (C) [†3] Calhoun;

15 (D) [†4]--Comal;

16 [†5] DeWitt;

17 (E) [†6] Goliad;

18 (F) [†7] Gonzales;

19 (G) [†8] Guadalupe;

20 (H) [†9]--Hays;

21 [†10] Karnes;

22 (I) [†11]--Medina;

23 [†12] Nueces;

24 (J) [†13] Refugio;

25 (K) [†14] San Patricio;

26 (L) [†15]--Uvalde;

27 [†16] Victoria; or

1 (M) [(17)] Wilson[7

2 [(18)--the-City-of-San-Antonio,

3 [(19)--the-City-of-Victoria,-and

4 [(20)--the-City-of-Corpus-Christi].

5 (b) A member must be a resident or qualified voter of or
6 engaged in business in a county all or part of which is included in
7 the member's area of representation.

8 (c) [~~The-reimbursement-of-an-advisory-committee--member--for~~
9 ~~expenses--is--on--the--same--terms--as--the--reimbursement-of-board~~
10 ~~members;---An--advisory--committee--member--is--not---entitled---to~~
11 ~~compensation;~~

12 [(d)] An advisory committee member holds office until a
13 successor is appointed.

14 (d) [~~(e)--The-authority-shall-send-to-each-advisory-committee~~
15 ~~member-all-the-communications-of-the-authority-that-are-extended-to~~
16 ~~board-members-and-may-participate-in-board--meetings--to--represent~~
17 ~~downstream--water--supply-concerns-and-assist-in-solutions-to-those~~
18 ~~concerns;---Advisory-committee-members--may--not--vote--on--a--board~~
19 ~~decision;~~

20 [(f)] The advisory committee by resolution may request the
21 board of any of the districts to reconsider any board action that
22 is considered prejudicial to downstream water interests or other
23 interests. If the board review does not result in a resolution
24 satisfactory to the advisory committee, the advisory committee by
25 resolution may request the commission to review the action. The
26 commission shall review the action and may make a recommendation to
27 the board. If the board determines that the board's action is

1 contrary to an action of the commission affecting downstream
2 interests, the board may [~~shall~~] reverse itself.

3 (e) [~~g~~] The advisory committee shall meet to organize and
4 elect a presiding officer.

5 (f) [~~h~~]--The-presiding-officer--of--the--advisory--committee
6 shall--submit-a-report-assessing-the-effectiveness-of-the-authority
7 to--the--commission--and--the--authority--by--March--31---of---each
8 even-numbered---year.---The--report--must--assess--the--effect--on
9 downstream-water-rights-of-the--management--of--the--aquifer.---The
10 authority--shall--consider--the--report-in-managing-the-authority's
11 affairs.

12 [~~i~~] The advisory committee's duties may include:

13 (1) recommending and participating in applying for,
14 holding, and maintaining permits under Section 10 of the federal
15 Endangered Species Act (16 U.S.C. Section 1539);

16 (2) assisting the districts [~~authority~~] in:

17 (A) developing [~~the---authority's~~] demand
18 management plans for each district [~~plan-for-the--county--that--the~~
19 ~~representative-represents~~]; and

20 (B) coordinating and implementing
21 [~~2~~]--~~assisting-the-authority-to-implement~~] the districts' demand
22 management plans [~~plan~~]; [~~and~~]

23 (3) performing other duties requested by the board of
24 any of the districts that the advisory committee [~~representative~~]
25 may practicably perform; and

26 (4) consulting with federal and state agencies, the
27 Guadalupe-Blanco River Authority, the Nueces River Authority, the

1 Lower Colorado River Authority, and representatives of counties and
2 municipalities downstream of the districts.

3 Sec. 1.25. COMPREHENSIVE MANAGEMENT PLAN. (a) The
4 districts [~~Consistent--with--Section--1.14--of--this--article,--the~~
5 ~~authority~~] shall develop, by September 1, 1996 [~~1995~~], and
6 implement a comprehensive water management plan that includes
7 conservation, future supply, reuse, recharge, augmentation,
8 recirculation, water quality protection, and drought response [~~and~~
9 ~~demand--management~~] plans. Each district's drought response plan
10 must use observed water levels of one or more of the district's
11 index wells. The comprehensive water management plan may include
12 any water management tool the boards find necessary and feasible.
13 The Edwards Underground Water District shall seek 75,000 acre-feet
14 of water supplies in accordance with the Edwards Aquifer Interlocal
15 Contract [~~The-authority-may-not-delegate--the--development--of--the~~
16 ~~plan-under-Section-1.42-of-this-article~~].

17 (b) The districts and the Downstream Advisory Committee, in
18 consultation with [~~authority,--in-conjunction-with-the-South-Central~~
19 ~~Texas-Water-Advisory-Committee,~~] the Texas Water Development Board
20 and other water planning entities [~~,--and--underground--water~~
21 ~~conservation-districts-within-the--authority's--boundaries~~], shall
22 develop a 20-year plan for providing alternative supplies of water
23 to the region, with five-year goals and objectives, to be
24 implemented by the districts [~~authority~~] and reviewed annually by
25 the appropriate state agencies and the Edwards Aquifer Legislative
26 Oversight Committee. In [~~The-authority,--advisory-committee,--Texas~~
27 ~~Water-Development-Board,--and-districts,--in~~] developing the plan,

1 the districts shall:

2 (1) thoroughly investigate all alternative
3 technologies;

4 (2) investigate mechanisms for providing financial
5 assistance for alternative supplies through the Texas Water
6 Development Board; [and]

7 (3) perform a cost-benefit analysis, an economic
8 impact analysis, and an environmental analysis;

9 (4) promote fair and equitable management of the
10 aquifer;

11 (5) ensure proper management of the aquifer through
12 regional cooperation;

13 (6) maintain springflows at levels necessary to comply
14 with the federal Endangered Species Act (16 U.S.C. Sections 1531 et
15 seq.);

16 (7) maintain water supplies sufficient to meet the
17 needs of users in the region;

18 (8) increase water supplies in the region and prevent
19 overproduction and depletion of the aquifer;

20 (9) prevent the degradation of aquifer water quality;

21 (10) prevent waste;

22 (11) increase public awareness and education regarding
23 the aquifer;

24 (12) preserve local control and elected representation
25 in the districts;

26 (13) finance new or alternative water supplies with
27 costs apportioned to the beneficiaries of the new supplies;

- 1 (14) preserve property rights;
2 (15) provide regional water management coordination
3 and cooperation;
4 (16) provide incentives to reduce nonessential,
5 inefficient uses of aquifer water;
6 (17) provide incentives to increase supplies through
7 cost-effective methods;
8 (18) ensure adequate and fair funding mechanisms; and
9 (19) provide for limitations on or suspension of
10 groundwater withdrawals only if the districts through study and
11 investigation determine that groundwater replenishment programs,
12 recharge, augmentation, or other alternative sources or methods of
13 water supply are infeasible or insufficient to meet the needs of
14 the region.

15 Sec. 1.31. MEASURING DEVICES. (a) The owner of a
16 [nonexempt] well that is not exempt under Section 1.33 of this
17 article and that withdraws water from the aquifer shall install and
18 maintain a measuring device that is:

19 (1) approved by the district in which the well is
20 located; and

21 (2) [authority] designed to indicate the flow rate and
22 cumulative amount of water withdrawn by that well.

23 (b) This requirement may be waived by the district in which
24 the well is located [authority] on written request by a well owner
25 to use an alternative method of determining accurately the amount
26 of water withdrawn.

27 [(b)--The---authority---is---responsible---for---the---costs---of

1 purchasing,--installing,--and--maintaining--measuring--devices,--if
2 required,--for-an-irrigation--well--in--existence--on--September--1,
3 1993.]

4 Sec. 1.32. WATER USE REPORTS. (a) The districts shall
5 collect information on current water use patterns to project future
6 water needs and to ensure adequate long-term water supplies. Each
7 of the districts by rule shall require registration and accurate
8 reporting of production from all wells in the district that are not
9 exempt under Section 1.33 of this article.

10 (b) The districts shall use information and methodologies
11 prescribed by the United States Geologic Service to estimate the
12 cumulative use from wells that are exempt under Section 1.33 of
13 this article [Not-later-than-March-1-of-each-year,--and--on--a--form
14 prescribed--by--the--authority,--each-holder-of-a-permit-shall-file
15 with-the-authority-a-written-report-of-water-use-for-the--preceding
16 calendar-year].

17 Sec. 1.33. WELL METERING EXEMPTION. (a) A well that
18 produces 25,000 gallons of water a day or less for domestic or
19 livestock use is exempt from metering and reporting requirements.

20 (b) Each of the districts shall adopt rules or policies
21 regarding the registration of exempt [Exempt] wells by the [must
22 register---with---the---authority--or--with--an--underground--water
23 conservation] district in which the well is located.

24 [(c)--A--well--within--or--serving--a--subdivision--requiring
25 platting--does--not--qualify--for--an--exempt--use.]

26 Sec. 3.03. SUNSET COMMISSION REVIEW [OF--GUADALUPE-BLANCO
27 RIVER--AUTHORITY]. (a) The [board---of---directors---of---the]

1 Guadalupe-Blanco River Authority, Nueces River Authority, San
2 Antonio River Authority, Edwards Underground Water District, Uvalde
3 County Underground Water Conservation District, and Medina County
4 Underground Water Conservation District are [~~is~~] subject to review
5 under Chapter 325, Government Code (Texas Sunset Act)[~~7-but-may-not~~
6 ~~be--abolished-under-that-Act~~]. The review shall be conducted as if
7 the authorities and districts [~~board-of-directors~~] were scheduled
8 to be abolished September 1, 1999 [~~1995~~].

9 (b) Unless after the review the legislature continues the
10 authorities and districts, the authorities and districts are
11 abolished on [~~members-of-the-board--of--directors--in--office7--the~~
12 ~~terms-of-the-board-members-expire~~] September 1, 1999 [~~1995~~].

13 (c) If the authorities and districts are abolished under
14 [~~terms-of-the-board-of-directors-expire-under~~] Subsection (b) of
15 this section, the commission shall perform the functions required
16 by this Act [~~a-new--board--of--directors--shall--be--appointed--and~~
17 ~~confirmed--as-provided-by-Chapter-757-Acts-of-the-43rd-Legislature7~~
18 ~~1st-Called-Session7-19337-with-three--members--appointed--to--terms~~
19 ~~expiring--February--17--19977--three--to--terms-expiring-February-17~~
20 ~~19997-and-three-to-terms-expiring-February-17-20017--A-member-whose~~
21 ~~term-expires-under-Subsection-(b)-of-this-section-is--not--eligible~~
22 ~~for-reappointment-under-this-subsection~~].

23 SECTION 2. Article 1, Chapter 626, Acts of the 73rd
24 Legislature, Regular Session, 1993, is amended by adding Section
25 1.145 to read as follows:

26 Sec. 1.145. DEMAND MANAGEMENT; CONSERVATION; COMMISSION
27 OVERSIGHT. (a) Before the 11th day after the Edwards Underground

1 Water District initiates stage II of its demand management plan,
2 the Downstream Advisory Committee shall convene to:

3 (1) review and evaluate the current conditions; and
4 (2) confirm that the demand management plan is being
5 implemented properly.

6 (b) Before the 11th day after the Edwards Underground Water
7 District initiates stage III of its demand management plan, the
8 Downstream Advisory Committee shall convene to:

9 (1) review current conditions; and
10 (2) recommend additional mandatory conservation or
11 monitoring measures, if appropriate.

12 (c) Before the 11th day after the Edwards Underground Water
13 District initiates stage IV of its demand management plan, the
14 Downstream Advisory Committee shall convene to:

15 (1) review and evaluate the effectiveness of the
16 demand management plan; and
17 (2) recommend additional measures for a crisis
18 management plan.

19 (d) When the flow at Comal Springs is at or below 75 cubic
20 feet per second and the districts' demand, drought, or critical
21 period management plans are not sufficient to protect the
22 underground water resource or endangered species, the commission
23 shall make recommendations to the districts regarding the adoption
24 of rules, the implementation of methods, and funding to address the
25 protection of endangered species.

26 (e) The districts may not limit or suspend withdrawals of
27 underground water unless the districts have determined after study

1 and investigation that groundwater replenishment programs or other
2 alternative sources or methods of water supply have proved
3 infeasible or insufficient to meet the region's needs. Withdrawal
4 limitations must first be accomplished through the districts'
5 drought response plans. The commission may recommend further
6 limitations if necessary. The commission may recommend the
7 districts apply for an incidental take permit under Section 10 of
8 the federal Endangered Species Act (16 U.S.C. Section 1539).

9 (f) In adopting a rule under this section, the commission
10 and the districts shall consider the potential impact of the rule
11 on business and agricultural activities. The commission and the
12 districts must minimize any adverse impact on business and
13 agricultural activities to the extent practicable and consistent
14 with protection of the underground water resource.

15 (g) If a rule adopted under this section results in a taking
16 of property, the districts must pay just compensation to the
17 property owner.

18 SECTION 3. Section 3, Chapter 99, Acts of the 56th
19 Legislature, Regular Session, 1959 (Article 8280-219, Vernon's
20 Texas Civil Statutes), is amended to read as follows:

21 Sec. 3. POWERS OF THE DISTRICT. (a) The District shall
22 have and is hereby authorized to exercise the following powers,
23 right and privileges and functions:

24 (1) to conserve, preserve, protect and increase the
25 recharge of and prevent the waste and pollution of the underground
26 water;

27 (2) to acquire lands and easements by purchase or by

1 exercise of the power of eminent domain for the erection of dams
2 and for the purpose of drilling and equipping in-put wells, and to
3 drill, equip and operate in-put wells, construct dams, and to
4 install pumps and other equipment necessary to recharge the
5 underground water-bearing formations; to acquire by contract or
6 purchase, waters and water rights deemed necessary or appropriate
7 by the Directors of the District for conserving and recharging
8 underground water-bearing formations; and to appropriate water for
9 such recharge under Section 11.023, Water Code, [~~the-provisions--of~~
10 ~~Art.-74707--Revised-Civil-Statutes,--as-amended~~]; provided, however,
11 the power of eminent domain as herein provided for, shall be
12 limited to the Counties of Bexar, Comal, and Hays;

13 (3) to cause surveys to be made of the underground
14 water reservoirs or subdivisions thereof and of underground
15 water-bearing formations; to cause investigations to be made to
16 determine the movement of underground water and the quantity
17 thereof available for production and use and the improvements and
18 developments needed in recharging underground water reservoirs or
19 Subdivisions thereof and underground water-bearing strata;

20 (4) to develop comprehensive plans for the most
21 efficient use of underground water and for the prevention of waste
22 and pollution of underground water; to collect and preserve
23 information regarding the prevention of waste and pollution of
24 underground water and to publish such plans and information, and
25 otherwise bring them to the notice and attention of the users of
26 underground water within the District;

27 (5) to institute and defend suits and proceedings

1 before any court or any administrative body or agency, State or
2 Federal, in carrying out the purposes, powers and functions of the
3 District;

4 (6) to enter into contracts with and to participate in
5 joint efforts and projects with water districts, conservation
6 districts, cities and towns, counties and municipal and
7 governmental agencies of every kind, both State and Federal, and
8 with individuals and private corporations, for the purpose of
9 conserving, protecting, recharging, or benefiting underground
10 water-bearing formations within the District and waters therein,
11 and the Board of Directors of the District shall be empowered to
12 use, dedicate and pledge taxes and revenues of the District and to
13 use the proceeds from District bonds for said purposes whether the
14 District or some other municipal or governmental agency or
15 department is in charge of such work or development;

16 (7) to require that copies of water well drillers'
17 logs required to be kept and furnished to the Texas Natural
18 Resource Conservation Commission [~~Department-of-Water-Resources-or~~
19 ~~its-successor~~] by Chapter 32, Water Code [~~The-Water--Well--Drillers~~
20 ~~Act,--as-amended--(Article-7621e7--Vernon's-Texas-Civil-Statutes)~~], be
21 furnished to the District. The well log required herein shall at
22 the request in writing to the district, by certified mail, by the
23 owner or the person having such well drilled, be held as
24 confidential matter and not made of public record;

25 (8) to report to the Texas Natural Resource
26 Conservation Commission [~~Department-of-Water-Resources~~] violations
27 of Chapter 32, Water Code [~~The-Water-Well-Drillers-Act,--as--amended~~

1 {Article--7621e7--Vernon's--Texas--Civil-Statutes}}, and rules [and
2 regulations] of the commission [department] pertaining to that
3 chapter [the-Act];

4 (9) to require the owner or lessee of land on which an
5 open or uncovered well is located to keep the well permanently
6 closed or capped with a covering capable of withstanding weight or
7 pressure of at least 400 pounds per square inch, except when the
8 well is in actual use. As used in this subsection, "open or
9 uncovered well" means an artificial excavation at least 10 feet
10 deep that is dug or drilled for the purpose of producing water from
11 the underground water reservoir and is not capped or covered as
12 required by this subsection. If the owner or lessee fails or
13 refuses to close or cap the well in compliance with this subsection
14 within 30 days after being directed to do so in writing by
15 certified mail by an officer, agent, or employee of the District,
16 any person, firm, or corporation employed by the District may go on
17 the land and close, plug, or cap the well. The reasonable costs
18 and expenses incurred by the District in closing, plugging, or
19 capping a well shall constitute a lien on the land on which the
20 well is located. The lien is perfected by filing in the County
21 Court of the county where the well is located a sworn petition
22 executed by the Chairman of the Board of Directors of the District,
23 stating the following:

- 24 (A) the existence of the well;
25 (B) the legal description of the property on
26 which the well is located;
27 (C) the approximate location of the well on the

1 property;

2 (D) the failure or refusal of the owner or
3 lessee, after notification, to close, plug, or cap the well as
4 required by this section within 30 days after notification;

5 (E) the closing, plugging, or capping of the
6 well by the District or its authorized agent, representative, or
7 employee; and

8 (F) the expense incurred by the District in
9 closing, plugging, or capping the well.

10 If after notice and hearing the County Court finds the facts
11 required by this section, he shall enter a judgment which shall
12 constitute a lien on the land when recorded in the deed records.
13 The judgment of the County Court is appealable as are other civil
14 cases in which the County Court has original jurisdiction;

15 (10) to develop, implement, and enforce one or more
16 drought management plans in order to minimize, as far as
17 practicable, the drawdown of the water table or the reduction of
18 artesian pressure and spring flow; to prevent waste; and to protect
19 the groundwater resource from serious harm. The District shall
20 develop one or more drought management plans in consultation with
21 representatives of cities, counties, river authorities, water
22 purveyors, and other interested parties within the District, and
23 the District shall implement and enforce a drought management plan
24 pursuant to rules of the Board of Directors adopted in accordance
25 with Subsection (b) of this section. A drought management plan
26 must be:

27 (A) consistent with water policies adopted and

1 approved by the Board of Directors and must provide for those
2 matters determined to be necessary and appropriate by the Board of
3 Directors, including:

4 (i) objective standards for determining
5 that drought conditions exist, continue, and cease and for
6 determining stages of drought;

7 (ii) description of specific drought
8 management activities for the stages of drought; and

9 (iii) requirements for reducing water use
10 in accordance with established priorities, which must include uses
11 for essential human needs, agricultural, industrial, power,
12 recreational, commercial, and other categories of use;

13 (B) developed and approved by September 1, 1988,
14 by a two-thirds vote of the Directors present at a meeting at which
15 a quorum is present;

16 (C) provided to the Texas Natural Resource
17 Conservation [Water] Commission and made available for additional
18 public review. The Board may not initiate enforcement of the
19 drought management plan until June 1, 1989, or the effective date
20 of rules adopted by the Board of Directors as provided by
21 Subsection (b) of this section, whichever date is later;

22 (D) developed and enforced by the Texas Natural
23 Resource Conservation [Water] Commission if a drought management
24 plan is not approved in accordance with Paragraph (B) of this
25 subdivision, and the enforcement provisions of Subsection (b) of
26 this section do not take effect;

27 (11) in a drought management plan, to set priorities

1 of water use, to prorate the available water supply among the uses
2 and users, to require compliance among all users, and to include
3 other measures as are necessary and advisable to conserve,
4 preserve, protect, recharge, and prevent waste and pollution of the
5 underground water;

6 (12) to plan through a drought management plan for the
7 uses of water throughout the District during periods in which there
8 is a drought or a shortage of precipitation of seasonal or longer
9 duration relative to the expectation of the users;

10 (13) to adopt a rule declaring that a drought exists
11 within the District when insufficient water is available to meet
12 the needs of the users or when conditions require temporary
13 reduction in total use within the area to protect water resources
14 from serious harm;

15 (14) to impose restrictions on users of the water
16 resources as may be necessary to protect the water resources of the
17 area from serious harm and to assure equitable distribution of
18 available water resources among all water users;

19 (15) to rescind a declaration of drought and to
20 rescind any restrictions adopted pursuant to that declaration;

21 (16) to require the registration of water wells within
22 the District in accordance with rules of the Board of Directors and
23 to require that records be kept and reports be made of the
24 drilling, equipping, and completing of water wells and of the
25 production and use of underground water;

26 (17) to require permits for drilling, equipping, or
27 completing a well. The Board of Directors shall adopt a standard

1 form for a permit application. The Board of Directors shall set a
2 hearing to consider a permit application before the 21st day after
3 the Board receives the application. On the 21st day after the
4 Board receives a permit application, if the Board has not set a
5 hearing on the application and has not issued or declined to issue
6 the permit, the applicant may petition a district court of the
7 county in which the well is located or proposed to be located for a
8 writ of mandamus to compel the District to act on the application
9 or set a hearing on the application. The Board shall hold the
10 hearing before the 31st day after the date the hearing is set. The
11 Board shall issue or decline to issue the permit before the 11th
12 day after the hearing is held;

13 (18) to require advance registration for a substantial
14 alteration of the size of a well or well pump. The Board of
15 Directors shall adopt a standard advance registration form;

16 (19) to apply for and receive gifts, grants, awards,
17 or loans from a local, state, or federal agency or from a private
18 individual, company, or corporation for District research or
19 projects or for operations or maintenance of the District;

20 (20) to issue or administer grants, loans, or other
21 financial assistance to water users for water conservation or water
22 reuse; and

23 (21) to carry out all of the powers and duties of the
24 Texas Natural Resource Conservation Commission under Chapter 26,
25 Water Code, and to enforce the chapter and rules of the commission
26 adopted under that chapter inside the District's boundaries and
27 within a buffer zone that:

1 (A) includes all of the area within five miles
2 outside of the northern boundary of the District; and

3 (B) excludes the Springhills Water Management
4 District.

5 (b) The Board of Directors may adopt and enforce reasonable
6 rules for the purposes of carrying out the powers described in
7 [~~Subdivisions-(10)-through-(16)-of~~] Subsection (a) of this section.

8 (c) On the adoption of [~~relating--to--the---development,~~
9 ~~implementation,--and--enforcement-of-one-or-more-drought-management~~
10 ~~plans-and-the-registration-of-water-wells-within-the-District.---If~~
11 ~~the--District--adopts~~] rules under Subsection (b) of this section
12 [~~this-subsection~~], the District shall conduct a public hearing
13 within each county in the District to permit members of the public
14 to comment on the rules as they may be proposed from time to time.
15 Notice of each hearing, along with a brief resume of the proposed
16 rules, shall be published once each week for two consecutive weeks
17 in one or more newspapers with general circulation in the District
18 and the county. The first notice shall be published not later than
19 the 14th day before the date the hearing is to be held. The
20 hearing shall be conducted by one or more officers of the Board of
21 Directors. A rule takes effect not earlier than the 14th day after
22 the date of its adoption. The District may enforce this section
23 and its rules by injunction, mandatory injunction, or other
24 appropriate remedy in a court of competent jurisdiction as
25 authorized by Section 3(a)(5) of this Act.

26 (d) [~~(c)~~] A person may appeal the reasonableness and
27 validity of a rule adopted by the District under this section as

1 provided by Subsection (e) [~~(d)~~] of this section after first
2 appealing to the Texas Natural Resource Conservation [Water]
3 Commission under rules adopted by the commission. If the
4 commission determines a rule is unreasonable or otherwise invalid,
5 it shall, at its discretion, either declare that the rule is null
6 and void and direct the Board of Directors of the District to adopt
7 a substitute rule or reform the rule so that it is reasonable and
8 valid.

9 (e) [~~(d)~~] A person affected by and dissatisfied with any
10 rule made by the District under this section may file suit against
11 the District or its Directors to challenge the validity of the
12 rule. The suit shall be filed in a court of competent jurisdiction
13 in Bexar County.

14 (f) [~~(e)~~] A person affected by and dissatisfied with any act
15 of the Texas Natural Resource Conservation [Water] Commission
16 pursuant to this section is entitled to file suit against the Texas
17 Natural Resource Conservation [Water] Commission to challenge the
18 validity of the act of the commission. The suit shall be filed in
19 a court of competent jurisdiction in Travis County. The term
20 "person" as used in this section shall have the meaning as stated
21 in Section 3A(a) of this Act.

22 (g) [~~(f)~~]--The-Texas-Water-Commission-shall-begin-registration
23 of--wells--located--within--the--Edwards-Underground-Water-District
24 pursuant--to--rules--adopted--by--the--Texas--Water--Commission--in
25 accordance-with-Sections-11-201-through-11-207-and-Section--28-011,
26 Water--Code.---The--registrations--shall--be--completed-in-a-timely
27 manner-and--the--information--shall--be--provided--to--the--Edwards

1 ~~Underground--Water--District-by-March-17-1988.~~] On the adoption of
2 rules for registration of wells by the Board of Directors in
3 accordance with Subsection (b) of this section, the District shall
4 assume the responsibility for well registration in the District.

5 SECTION 4. Section 3A, Chapter 99, Acts of the 56th
6 Legislature, Regular Session, 1959 (Article 8280-219, Vernon's
7 Texas Civil Statutes), is amended by amending Subsections (a) and
8 (k) and by adding Subsection (r) to read as follows:

9 (a) In addition to other powers provided by this Act, the
10 District has the power to require any person to obtain a permit
11 from the District for the transporting of water by pipeline,
12 channel, ditch, watercourse or other natural or artificial
13 facilities, or any combination of such facilities, when such water
14 is produced from wells located or to be located within the
15 District, except for a water purveyor who supplies water to the
16 purveyor's service area in the District [~~whenever-all-or--any--part~~
17 ~~of--such--water--is--used--or--is--intended--for-use-outside-of-the~~
18 ~~boundaries-of-the-District,;provided,;however,;the-requirement--for~~
19 ~~a--permit--hereunder-shall-not-apply-to-(i)-any-person-transporting~~
20 ~~water-from-such-a-well-located-within-the--District--prior--to--the~~
21 ~~effective--date--of--this--section--provided-the-amount-of-water-so~~
22 ~~transported-annually-shall-not-exceed--by--more--than--ten--percent~~
23 ~~(10%)--the-amount-transported-in-calendar-year-1982,;(ii)-any-person~~
24 ~~transporting-water-on-behalf-of-any-incorporated-municipality-whose~~
25 ~~boundaries--lie--partly--within-the-District-provided-such-water-so~~
26 ~~transported-shall-be-used-within-the-incorporated--limits--of--such~~
27 ~~municipality-as-such-limits-are-defined-as-of-the-effective-date-of~~

1 this---section]. "Person" in this section shall include any
2 individual, firm, entity, corporation, municipal corporation,
3 governmental or proprietary body, or association of persons.

4 (k) Such application shall not be approved unless the Board
5 of Directors finds and determines that the issuance of the permit
6 [transporting--of--water--for-use-outside-the-District] applied for
7 will not substantially affect the quantity and quality of water
8 available to any person or property within the District and that
9 the proposed use, or any part of the proposed use, will not
10 constitute waste as defined under state law, including Chapter 52,
11 Water Code [the-laws-of-the-State-of-Texas]. In considering the
12 application, the District shall consider the quantity of water
13 proposed to be transported; the term for which the transporting is
14 requested; the safety of the proposed transportation facilities
15 with respect to contamination of the aquifer; the nature of the
16 proposed use; the effect of the proposed use of the water to be
17 transported on District residents in proportion to all beneficial
18 use of District residents for municipal, agricultural, industrial,
19 recreational, and other categories, and such other factors to be
20 consistent with the purposes of the District.

21 (r) The District may impose a fee on the transportation of
22 water produced in the District for use outside of the District.

23 SECTION 5. Section 3B(a), Chapter 99, Acts of the 56th
24 Legislature, Regular Session, 1959 (Article 8280-219, Vernon's
25 Texas Civil Statutes), is amended to read as follows:

26 (a) In addition to other powers provided by this Act, the
27 District has the power to require any person transporting water

1 produced from wells located within the District [~~for use outside of~~
2 ~~the District~~], regardless of the amount of water so transported, to
3 register such transporting with the District. [~~Such--registration~~
4 ~~shall--be--made--within--one--hundred--eighty--(180)--days--after--the~~
5 ~~effective--date--of--this--subsection--]~~ "Person" in this subsection
6 shall include any individual, firm, entity, corporation, municipal
7 corporation, governmental or proprietary body or association of
8 persons.

9 SECTION 6. Chapter 99, Acts of the 56th Legislature, Regular
10 Session, 1959 (Article 8280-219, Vernon's Texas Civil Statutes), is
11 amended by adding Section 3D to read as follows:

12 Sec. 3D. LOANS AND GRANTS. Under the authority granted by
13 Section 52-a, Article III, Texas Constitution, the District may
14 loan or grant money to any person for:

15 (1) water conservation or reuse equipment or
16 technology for water conservation or water reuse;

17 (2) water conservation, reuse, or development projects
18 to assist the growth of agriculture or economic development in the
19 region; or

20 (3) education in the region to promote innovation in
21 water conservation or water reuse practices.

22 SECTION 7. Chapter 99, Acts of the 56th Legislature, Regular
23 Session, 1959 (Article 8280-219, Vernon's Texas Civil Statutes), is
24 amended by adding Section 3E to read as follows:

25 Sec. 3E. ENFORCEMENT OF RULES. The District may enforce
26 this chapter and its rules in court by injunction, mandatory
27 injunction, or other appropriate remedy.

1 SECTION 8. Chapter 99, Acts of the 56th Legislature, Regular
2 Session, 1959 (Article 8280-219, Vernon's Texas Civil Statutes), is
3 amended by adding Section 12A to read as follows:

4 Sec. 12A. FEES. (a) In addition to ad valorem taxes
5 provided for in Section 10 of this Act, the Board of Directors by a
6 two-thirds majority vote may levy and collect production fees and
7 production surcharge fees on each nonexempt producer of water from
8 the underground water-bearing formations in the District. The fees
9 are in addition to any other fee that may be imposed under this
10 Act.

11 (b) The Board of Directors by rule shall adopt a production
12 fee schedule and a production surcharge fee schedule for use in
13 determining the amount of fees to be charged. The Board may also
14 adopt a penalty for failure to pay the fees when due, and may
15 charge interest at the rate provided by Section 111.060, Tax Code.

16 (c) Unless an election is held, the District may not adopt
17 an initial schedule of production fees intended to generate more
18 than two cents for each \$100 valuation when combined with property
19 tax collections. Any increase in property tax and fees exceeding
20 eight percent is subject to a rollback election on the presentation
21 of a petition by a number of qualified voters equal to at least 10
22 percent of the number of persons voting in the previous District
23 election. Unless approved at an election held under this
24 subsection, the District may not adopt a schedule of production
25 fees under Subsection (b) of this section to generate, when
26 combined with tax revenues collected pursuant to Section 10 and
27 Section 11 of this Act, total revenues that exceed the amount the

1 District could collect by maximizing its taxing effort under
2 Section 10 and Section 11 of this Act. The District shall hold an
3 election under this subsection in accordance with the election laws
4 applicable to an election for taxes for the support of county
5 bonds. If the schedule of production fees is approved, it remains
6 in effect until another schedule is adopted by the District and, if
7 required by this subsection, approved by the voters.

8 (d) If a fee imposed by this section is delinquent or if
9 interest or a penalty on a delinquent fee has not been paid, the
10 District has a prior lien for the fee, penalty, and interest on the
11 real property where such water is produced. The lien may be
12 enforced by a suit filed by the District. Venue of the suit is in
13 the county in which the water was produced or the defendant
14 resides.

15 SECTION 9. Sections 1.02, 1.04-1.06, 1.08, 1.11-1.24,
16 1.26-1.30, and 1.34-1.45, Chapter 626, Acts of the 73rd
17 Legislature, Regular Session, 1993, are repealed.

18 SECTION 10. Chapter 99, Acts of the 56th Legislature,
19 Regular Session, 1959 (Article 8280-219, Vernon's Texas Civil
20 Statutes), is not repealed by operation of Section 1.41, Chapter
21 626, Acts of the 73rd Legislature, Regular Session, 1993, and
22 remains in effect as if that section had not been enacted and
23 signed into law.

24 SECTION 11. The importance of this legislation and the
25 crowded condition of the calendars in both houses create an
26 emergency and an imperative public necessity that the
27 constitutional rule requiring bills to be read on three several

1 days in each house be suspended, and this rule is hereby suspended,
2 and that this Act take effect and be in force from and after its
3 passage, and it is so enacted.

John Hall, Chairman
Pam Reed, Commissioner
Peggy Garner, Commissioner
Dan Pearson, Executive Director



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

May 15, 1995

The Honorable James E. (Pete) Laney
Texas House of Representatives
P. O. Box 2910
Austin, Texas 78711

Re: Responsibility of the Texas Natural Resource Conservation Commission to submit any recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution.

H.B. 3236 by Corte

Relating to the election management of the Edwards aquifer.

Dear Mr. Speaker:

The following comments are provided pursuant to the Constitutional requirements referenced above. We recommend that these comments be considered in the evaluation of the proposed legislation.

House Bill 3236 repeals the formation of the Edwards Aquifer Authority; forms a facilitation liaison committee composed of board members from the Edwards Underground Water District, the Medina County Underground Water Conservation District, and the Uvalde County Underground Water Conservation District; and changes the membership and name of the South Central Texas Water Advisory Committee to the Downstream Advisory Committee. The Bill calls for a Sunset Commission Review of the Guadalupe-Blanco River Authority, Nueces River Authority, San Antonio River Authority, and the previously listed ground-water districts for September 1, 1999.

House Bill 3236 also gives additional authorities and powers to the Edwards Underground Water District which include; permitting authority for the exportation of water from the district, allowing for the imposition of a fee for transportation of water from the district, and providing the authority to loan and grant money to any person for water conservation and education.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Dean Robbins".

Dean Robbins, P.E.
Director, Water Utilities Division

cc: Rep. David Counts, Chairman, House Natural Resources Committee
Representative Frank J. Corte, Jr.

for chief clerk use only

Bill or Resolution Number: HB3236

JOINT AUTHOR AUTHORIZATION

As primary author of HB3236 I hereby authorize the following joint author(s):
(bill or resolution #)

✓ Tracy O. King
printed name of joint author #1

Tracy O. King
signature of joint author #1

✓ Ciro D Rodriguez
printed name of joint author #2

Ciro D Rodriguez
signature of joint author #2

✓ Karyne Jones Conley
printed name of joint author #3

Karyne Jones Conley
signature of joint author #3

printed name of joint author #4

signature of joint author #4

Karyne Conley
signature of primary author

5-5-95
date

ORIGINAL FORM--Place in book

SEND COPIES TO:
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Legislative Reference Library
House Journal

A BILL TO
AN ACT

relating to the management of the Edwards Aquifer.

PERMISSION GRANTED TO INTRODUCE

MAY 05 1995

Filed with the Chief Clerk

MAY 6 1995

Read first time and referred to Committee on NATURAL RESOURCESReported ___ favorably (as amended)
(as substituted)Sent to Committee on (Calendars)
(Local & Consent Calendars)Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of ___ yeas, ___ nays, ___ present, not voting)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of ___ yeas, ___ nays, ___ present, not votingRead third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of ___ yeas, ___ nays, ___ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(___ yeas, ___ nays)Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(___ yeas, ___ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of ___ yeas, ___ nays

Read third time, _____, and passed by (a viva voce vote)
(___ yeas, ___ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)